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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,283	04/19/2004	Yuji Oshiro	1403-0266PUS1	9953
2292	7590	07/09/2007		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 07/09/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/826,283	Applicant(s) OSHIRO ET AL.	
	Examiner Brian J. Broadhead	Art Unit 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-19-04, 1-19-05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. All of the claims recite some version of "a judged value calculating means which calculates a judged value on the basis of the rotational angular velocities whether an air pressure of a tire has decreased." The "whether an air pressure of a tire has decreased" does not make sense as currently worded. Is there supposed to be an "and" before the phrase? Is it also determined by the calculating means?

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

### ***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunbridge et al., 2004/0217853, in view of Mori et al., 5699251.

8. Dunbridge et al. disclose a judged value calculating means which calculates a judged value on the basis of the rotational angular velocities whether an air-pressure of a tire has decreased; and an initial correction coefficient calculating means which obtains an initial correction coefficient for eliminating a difference between effective rolling radii owing to initial differences between respective tires from the rotational angular velocities, wherein the identifying means includes a limit processing means which judges whether a difference or a ratio between the calculated judged value and a previously obtained reference judged value is less than a preliminarily obtained threshold or not, and a running determining means which determines, when it is determined that the value of the difference or the ratio is less than the threshold, that the vehicle is performing straight ahead running or turning movements at mid/low velocity; the apparatus further includes a reference judging means in which a judged value obtained by performing averaging processes on the basis of the judged value and a previously obtained judged value is used as the reference judged value employed in the identifying means; the apparatus further includes a judged value replacing means which regards a reference value obtained by performing averaging processes on the

basis of the judged value and a previously obtained judged value as an initial reference judged value, prior to performing identifying processes in the identifying means; a first storing means which stores the number of times of calculation of the initial reference judged values; a number judging means which judges whether the number of times of calculation is less than a preliminary set threshold; an execution prohibiting means which performs only processes for obtaining the initial reference judged value but prohibits execution of identifying processes by the identifying means when it is determined that the number of times of calculation is less than the threshold; and a setting means which sets the initial reference judged value as a reference judged value which is first used in the identifying means (see paragraphs 10-12, 44). Dunbridge does not disclose an identifying means which identifies, on the basis of the judged value, whether the vehicle is performing turning movements at high velocity, straight-ahead running or turning movements at mid/low velocity; when it has been identified by the identifying means that the vehicle is performing straight-ahead running or turning movements at mid/low velocity. Mori et al. teach an identifying means which identifies, on the basis of the judged value, whether the vehicle is performing turning movements at high velocity, straight-ahead running or turning movements at mid/low velocity; when it has been identified by the identifying means that the vehicle is performing straight-ahead running or turning movements at mid/low velocity (see figure 2, and lines 57-60 on both col. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Mori in the invention of

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Dunbridge because such modification would make the corrections when the conditions were suitable for measurement as stated by Mori.

***Allowable Subject Matter***

9. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims disclosed in the claim.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose all the different counters or the need for such counters.

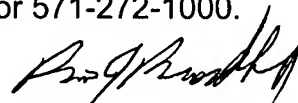
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian J. Broadhead  
Examiner  
Art Unit 3661